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Washington, DC 20005

Donald C. Brittingham
Director – Wireless/Spectrum Policy

February 2, 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
WT Docket No. 03-103; *In the Matter of Amendment of Part 22 of the*
Commission's Rules to Benefit the Consumers of Air-Ground
Telecommunications Service

Dear Ms. Dortch:

Today, Leslie Owsley and I, on behalf of Verizon Airfone ("Airfone"), spoke by telephone with Richard Arsenault and Kathy Harris of the Wireless Telecommunications Bureau. The purpose of the call was to respond to the ex parte notice filed by counsel to AirCell, Inc. on February 1, 2006.¹ In that ex parte, AirCell suggested that, as part of the reporting requirement imposed on Airfone in the Commission's Order on Reconsideration ("Order"), Airfone should be required to file its initial report shortly after the grant of any new license in the air-to-ground ("ATG") band. The Commission should reject this suggestion.

The Commission's Order specifies that "Airfone must file its initial transition status report with the Commission six months from the date of the grant of any new license in the band"² AirCell's suggestion, therefore, amounts to a request for reconsideration of the Commission's Order. The time for filing petitions for reconsideration expired on January 26, 2006, and AirCell's suggestion, therefore, is inappropriate.

¹ Letter from Michelle C. Farquhar, Counsel to AirCell, Inc., to Marlene H. Dortch, FCC, WT Docket No. 03-103 (filed Feb. 1, 2006).

² *In the Matter of Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Service*, Order on Reconsideration and Report and Order, WT Docket No. 03-103, FCC 05-202, ¶ 21 (rel. Dec. 9, 2005).

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Moreover, as a practical matter, Airfone would have nothing meaningful to report in such a filing. The Order states that the reports “should provide the number and percentage of each type of aircraft (commercial, general aviation, and government) and base stations that have been transitioned to operate in the one megahertz portion of the band.”³ Because Airfone cannot begin the transition until the auction has been concluded and the winning band plan is known, there will be nothing meaningful to report shortly after the grant of the new licenses.

Pursuant to Section 1.1206(b)(2) of the Commission’s Rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Sincerely,

/s/ Donald C. Brittingham
Donald C. Brittingham

cc: Richard Arsenault
Kathy Harris

³ *Id.*